



"The City With a Heart"

Larry Franzella, Mayor
Jim Ruane, Vice Mayor
Ken Ibarra, Councilmember
Rico E. Medina, Councilmember
Irene O'Connell, Councilmember

MINUTES

CITY COUNCIL MEETING

August 25, 2009

7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council met in regular session on August 25, 2009 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for the beautiful floral arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Franzella, Vice Mayor Ruane and Councilmembers O'Connell, Ibarra and Medina in attendance. Recording by Clerk Bonner. **Police Chief Telford** led the Pledge of Allegiance.

3. ANNOUNCEMENTS: None.

4. PRESENTATIONS:

Receive Presentation from the CalTrain Joint Powers Board Staff Regarding the Schedule for Construction of the San Bruno Grade Separation.

Mark Simon from Caltrain talked about the grade separation and announced they are ready to begin working on the project ahead of schedule. He introduced **Liria Larano** who talked about the Caltrain grade separation project and gave an extensive update on what has been done and what the schedule will be and what the final results will look like. She projected it would be a two-year project. She said they would be doing extensive outreach.

Vice Mayor Ruane asked if we could be confident the elements previously talked about would be included. **Liria Larano** said they know the elements and they will be looking at them and would try to incorporate what they can. **Mark Simon** said the budget is set and increased costs will play a factor.

Councilmember O'Connell said she wasn't aware we could do a four track. **Mark Simon** said this is one of the areas that can accommodate four tracks.

Councilmember Ibarra said a lot of time was spent making designs and he hoped everything could be done to include those. **Mark Simon** said they will do everything they can to accommodate.

Robert Riechel, 7th Ave. asked if it has been agreed who will cover the cost of the underground utilities and flood control drainage pipes? He also asked about elevators and ADA access? **Liria Larano** said those are part of the features which are being worked on with the City. **Mark Simon** said a station cannot be built without ADA access.

Councilmember Medina was in full agreement with his colleagues, echoed what they had said previously.

City Manager Jackson said is one of the things the City has to do is to keep pace with Caltrain. She said our staffing resources don't match theirs, but we need to make an adjustment in our work priorities. She said they would be coming back at the next meeting.

5. REVIEW OF AGENDA: Mayor Franzella pulled 10.g. and announced the closed session was being brought forward from the Special Meeting.

6. APPROVAL OF MINUTES: Regular Council Meeting of July 28, 2009, approved as submitted, Mayor Franzella abstained because he was absent from the meeting, with notice.

7. CONSENT CALENDAR:

a. **Approve:** Payroll of July 19 and August 2, 2009.

b. **Approve:** Accounts Payable of July 27, August 3 and 10, 2009.

c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated June 30 and July 31, 2009.

d. **Authorize:** Voting Delegate and Alternate for the League of California Cities Annual Conference September 16-18, 2009 in San Jose.

e. **Appoint:** Representative to the Colma Creek Advisory Committee.

f. **Adopt:** Resolution Amending the City Classification Plan by Adopting Position Descriptions for Parks and Facilities Manager, Field Supervisor, Parks Maintenance Technician I/II, Lead Maintenance Worker, Parks Maintenance Worker I/II, and Custodian I/II Positions.

g. **Adopt:** Resolution Authorizing the Closure of 200 Linear Feet of Linden Avenue South of Jenevein Avenue on Wednesday, September 30, 2009, between the hours of 2:00 PM and 9:00 PM for Marshall Realty's 50th Anniversary Party.

h. **Adopt:** Resolution Approving Time Limited No Parking Zone on San Mateo Avenue Between Jenevein Avenue and Sylvan Avenue on Sundays Between the Hours of 7:00 am and 4:00 pm to Accommodate Farmer's Market.

Councilmember O'Connell pulled 7.g.

M/S Ruane/Medina to approve remainder of consent calendar and passed with all ayes.

Councilmember O'Connell congratulated Bob and Paula Marshall for their continued service to San Bruno.

Bob Marshall, Marshall Realty thanked the City and said he was proud to do business in San Bruno.

M/S O'Connell/Medina to approve Item 10.g. and passed with all ayes.

8. PUBLIC HEARINGS (Notices have been published, posted and mailed):

Hold Public Hearing, Waive First Reading, and Introduce an Ordinance Amending 12.84 of San Bruno Municipal Code, Regulating Adult Businesses and Massage Establishments.

Community Development Director Aknin gave an overview of the ordinance and asked for questions.

Mayor Franzella opened the public hearing.

Mike Loy said he was a parent of a daughter who lives in San Bruno and is running for San Mateo High School District Trustee. He said one of his goals is to increase conversations with cities in our area. He said one thing that might be coming up, if he gets elected, will be the property at Crestmoor.

M/S Medina/Ruane to close the public hearing and passed with a unanimous vote.

M/S Ruane/Ibarra to waive the first reading and passed with all ayes.

Councilmember Ruane introduced the ordinance for adoption and passed with a unanimous vote.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: None.

10. CONDUCT OF BUSINESS:

- a. Receive Oral Report on November 3, 2009 Election.

Clerk Bonner gave an update on the nomination period which opened on July 13 and closed on August 7 for the Councilmembers, City Treasurer and City Clerk. The incumbents were the only individuals to file papers. The Mayor position was extended until August 12 because the present Mayor will not be running. Two candidates filed, Jim Ruane and Miguel Araujo. She also reported the Transit Occupancy Tax will read as Measure F on the November ballot and an argument in favor and impartial analysis have been filed. No arguments against were submitted.

- b. Adopt Resolution Authorizing the City Manager to Execute Construction Contract with Tucker Engineering for the Rosewood/Madison Slope Stabilization Project in the Amount of \$341,050.96 and Approving Construction Budget in the Amount of \$395,000.

Engineer Davis gave an overview of the staff report and asked for questions.

Councilmember Ibarra asked if staff could pick another project for capital improvement. **Public Services Director Fabry** said the stormwater balance is very low and they would be coming back to Council at a later date for consideration of the funds.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote.

- c. Adopt Resolution Authorizing the City Manager to Execute a Contract Amendment with North Coast County Water District for Use of a City Facility at Sweeney Ridge in the Amount of \$1,800 per Year.

Deputy Director Howard gave an overview of the contract amendment and asked for questions.

Vice Mayor Ruane introduced the resolution for adoption and passed with a unanimous vote.

- d. Adopt Resolution Opposing State Actions and Directing City Manager to Cooperate with League of California Cities and California Redevelopment Association in Litigation Challenging Seizure of City and Agency Funds.

Administrative Services Director O'Leary gave an overview of the staff report and asked for questions.

Vice Mayor Ruane clarified the tax money is supposed to come back to us within three years. **O'Leary** concurred. **Vice Mayor Ruane** clarified the redevelopment money is gone? **O'Leary** concurred.

City Manager Jackson said they are asking for continuing authority to engage with the League of California Cities as well as the Redevelopment Association to stay diligent that these raids on City resources are totally unacceptable. She said this type of action will continue to challenge us and other cities up and down the State.

Mayor Franzella said our budget is balanced. **Councilmember Ibarra** said redevelopment has been good to San Bruno.

Vice Mayor Ruane introduced the resolution for adoption and passed with a unanimous vote.

- e. Adopt Resolution Approving Lease/Purchase Agreement with Key Government Finance, Inc to Finance Equipment for Commercial Data and Voice Project.

Administrative Services Director O’Leary gave an overview of the staff report and asked for questions.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote.

f. Adopt Resolution Directing that Stormwater Fees for San Bruno Parcels be Provided to San Mateo County for Placement on 2009-10 Tax Bills.

Administrative Services Director O’Leary gave an overview of the staff report and asked for questions.

Councilmember Medina introduced the resolution for adoption and passed with unanimous vote.

g. Adopt Resolution Approving Side Letter Agreement Between the City of San Bruno and the San Bruno Police Bargaining Unit, Extending their Existing Memorandum of Understanding, and Authorizing its Execution by the City Manager.

Mayor Franzella pulled this item.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: None.

12. COMMENTS FROM COUNCIL MEMBERS: None.

13. CLOSED SESSION:

Mayor Franzella said they would be going into closed session with no reportable action items.

a. Closed Session for Purpose of Consulting with Legal Counsel Regarding Potential Litigation (Cal. Gov’t Code Section 54956.9(b)(1))

b. The City Manager and Human Resources Director Request a Closed Session Pursuant to Cal. Gov’t Code Section 4957.6 Regarding Direction for Labor Negotiations with the San Bruno Police Bargaining Unit.

14. ADJOURNMENT:

Mayor Franzella asked for a moment of silence in memory of Father Bruce from St. Robert’s, Mike Monozon from Prudential California Realty, Steven Hart, Community Service Officer, City of San Bruno and a long term community volunteer, Ann McKinney. **Mayor Franzella** closed the meeting at 8:10 p.m. The next regular City Council Meeting will be held on September 8, 2009 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
At the regular City Council Meeting of
September 8, 2009

Carol Bonner, City Clerk

Larry Franzella, Mayor